

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on June 4, 2007, in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman William Judge at 6:03 PM. Commissioners Robert Bourque and David Arsenault were present.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

II. NEW APPLICATIONS

St. Joseph Monthly Dances for Special One Day All Alcoholic Beverages License for a Dance from 7PM to 11:30PM on June 16, July 28, September 15, October 20 and November 17, 2007 at 49 Woodland St.

Ms. Joan David was present. Application approved 3-0.

Joe B's Diner, LLC for Special One Day Wine and Malt Beverages License for Cruise Night from 5PM to 9PM every Friday night from June 8, 2007 through September 7, 2007 (14 nights) on the patio next to 342 Broad St.

Mr. Joseph Bastis and Mr. Richard Gonzalez were present. Application approved 3-0.

St. Anthony's School for Special One Day Wine and Malt Beverages License for Family Fair from 12Noon to 9PM on June 9, 2007 in the blocked off area in the parking lot at 123 Salem St.

Mr. Jim Adams was present. Application approved 3-0.

Eastwood Club for Special One Day All Alcoholic Beverages License for Family Outing from 11AM to 4PM on September 8, 2007 in the parking lot at the Eastwood Club.

Ms. Carol Erickson was present. Application approved 3-0.

III. CONTINUED SUMMONS HEARING

Cynthia Allaire, Manager, Karma at Bourbon Street, 14, 16, 18 Putnam St. for: FPD Reports 07-9925 and 07-9927; Alleged violation of CMR 204:205-Permitting a disturbance on premise; Alleged violation of MGL Ch. 138 s. 12A-Not conducting business as licensed, e.g. Restaurant; Alleged violation of MGL Ch. 138 s. 1-View of interior; Obtaining an Entertainment Permit for a DJ after false testimony to the Licensing Board.

Ms. Cynthia Allaire, Attorney Hector Pineiro and FPD Captain Philip Kearns were present.

Ms. Allaire and Captain Kearns were sworn in by the clerk.

Captain Kearns reiterated the details of police report #07-9925. He stated that the Karma staff came out of the establishment upon request to assist him. He confirmed upon questioning by Attorney Pineiro that the FPD Chief does not allow police details at Karma.

Ms. Allaire stated that on the date in question she was working at the club, the nightclub had been rented out for a birthday party and she had approximately 11 security staff on duty.

Chairman Judge presented a copy of a business plan for Nu-Nu, Inc. that was given to the Board at the time of the original license transfer presentation. Ms. Allaire and Attorney Pineiro briefly reviewed the document but both stated that Ms. Allaire was not associated with the establishment at the time the document was initially presented. Upon questioning, Ms. Allaire stated that there are 16 surveillance cameras in the club, last call is at 1:30AM and new patrons are allowed in to the club up until last call.

It was recommended by Commissioners Judge and Bourque that last call be pushed back to 1:15AM and that the cutoff time for allowing new patrons to enter the establishment be pushed back to 1:00AM.

Vote taken on the following allegation: FPD Reports 07-9925 and 07-9927 - Alleged violation of CMR 204:205-Permitting a disturbance on premise.

Decision: Warning to be held in abeyance for six months. 3-0.

Vote taken on the following allegation: Alleged violation of MGL Ch. 138 s. 12A-Not conducting business as licensed, e.g. Restaurant.

Discussion: Chairman Judge read for the record a letter from the Board of Health stating that NuNu, Inc. has not renewed their food service and milk permits with the Board of Health. Ms. Allaire presented a letter from their architect, Henry H. Miller, outlining construction work completed to date and that further work must be phased in from now until the end of 2007 due to financial reasons. She stated that she hopes completion of the construction work necessary for the restaurant to open will be completed by the end of 2007.

Decision: No action to be taken with the stipulation that NuNu, Inc. submit an application for a Change of License type from Restaurant to General On Premise by the Wednesday prior to the next regular meeting of the Board that is scheduled for June 18, 2007. 3-0.

Vote taken on the following allegation: Alleged violation of MGL Ch. 138 s. 1-View of interior.

Decision: No action taken pending receipt of written response from the window company addressing whether or not the tint in the windows can be removed or lightened. This written response is to be brought to the June 18, 2007 meeting for review and discussion. 3-0.

Vote taken on the following allegation: Obtaining an Entertainment Permit for a DJ after false testimony to the Licensing Board.

Discussion: Some discussion ensued regarding the prior entertainment applications and discussion about Karma nightclub closing and whether or not a permit for a DJ would continue to be necessary. Mr. Clark Straight, present in the audience, requested to speak. He stated that he is frustrated with the Board providing advantages to NuNu, Inc. and believing what they say despite different stories being presented to the Board every time that they appear. He stated that their credibility should be questioned.

Due to the hour and number of agenda items yet to be addressed, at 7:52 PM it was voted to continue the hearing to June 18, 2007. 3-0.

IV. CONTINUED APPLICATIONS

Ann Veilleux for Care-A-Van Transport, Inc. 214 Rear Lunenburg St. for Livery Service license (expansion to 10 vehicles).

Present was Ms. Ann Veilleux. Discussion ensued regarding the fact that the City Council Special Permit granted her permission for outside storage of five (5) motor vehicles (as was requested in her special permit application). Chairman Judge also noted that during the special permit hearing, the council requested that she submit a plot plan of the property because one was not submitted with the application. Ms. Veilleux stated that she was not aware her special permit was for the storage of only five vehicles.

Decision: Expansion of livery service license to five (5) vehicles approved. 3-0.

V. HEARING

Mr. William Conlin for Conlin's Corner, 110 Cleghorn St., for Alteration of Premises (six café tables on the sidewalk at 110 Cleghorn St.)

Present was Mr. William Conlin. Mr. Conlin submitted a hand-drawing of the sidewalk in front of 110 Cleghorn St. indicating a sidewalk width of 8'1". He also submitted a letter from Public Works Commissioner Denis Meunier indicating permission has been granted for a seasonal outdoor dining license pending submittal of an insurance policy naming the City of Fitchburg as an additional insured and that the license shall not commence until proof of such insurance is delivered to the City of Fitchburg.

No one spoke in favor of or in opposition to the application.

Application for Alteration of Premises, adding the following description of premise was approved 3-0:

Outside area 45' long x 4' wide consisting of six tables and chairs to be used from 3PM to 11PM.

The Boulder, 886 Main St. for Alteration of Premises (expand to adjacent first floor retail space).

Chairman Judge recused himself and left the room.

Present was Mr. Chris Bujold. Mr. Bujold stated that he has been in contact with FFD Deputy Chief Morand and Building Commissioner Michael Gallant and at this time is applying for a general building permit which will allow him to perform general façade work and interior demolition. He stated that there are issues to be discussed with Fire and Building prior to requesting permission for additional work.

No one spoke in favor of or in opposition to the application.

Hearing continued to June 18, 2007. 2-0.

Chairman Judge returned to the room.

KRB Corp. d/b/a Log Cabin, 135 Westminster St., Brian Keenan, Manager regarding ABCC decision that gambling on premise occurred with license Automatic Amusement Devices.

Present were Mr. Brian Keenan and Attorney Robert Rice. Attorney Rice stated that the Log Cabin paid a fine to the ABCC in lieu of a fifteen day license suspension, has been punished and should receive no further punitive action from the local board.

Decision: Automatic Amusement device license suspended for seven (7) days. To be held in abeyance for six months. 2 – 1 (Arsenault opposed).

VI. OTHER

- Taxi driver applications

Approved for two years: Igdalia Lebron

- Correspondence

Letter received from Mr. Michael Ciuffetti resigning as manager of Cahill's Pub.

The meeting adjourned at 9:01 PM.

Respectfully submitted,

Anna M. Farrell, Clerk

Approved:

William A. Judge

Robert A. Bourque

David F. Arsenault